

I hereby certify that this correspondence is being filed by depositing it with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date indicated below.

Date:

August 20, 2001

Signed:

Peter K. Trzyna (Reg. No. 32,661)

PATENT

Paper No. 3

File: Proflowers-P2-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors : David McCarter, Jared Schutz  
Serial No. : 09/847,644  
Filed : May 2, 2001  
For : GENERATING A COURIER SHIPPING LABEL OR THE  
LIKE, INCLUDING AN ORNAMENTAL GRAPHIC  
DESIGN, AT A NON-COURIER PRINTER  
Group Art Unit : 2624  
Examiner :

**RECEIVED**

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

AUG 24 2001

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

**PETITION TO FILE WHEN AN INVENTOR REFUSES  
TO SIGN UNDER 37 C.F.R. 1.47(a)**

SIR:

Applicant requests that the application attached hereto be filed under 37 C.F.R. 1.47(a) and be accorded the filing date of the Express Mail data. A joint inventor has, by his conduct, refused to sign the declaration.

In support of this petition, attached are:

1. A declaration signed by one joint inventor with a signature of one joint inventor on behalf of a nonsigning inventor who refuses to sign.

2. Declaration of facts in support of filing on behalf of nonsigning inventor,

09/11/2001 AMELLEY 00000001 500235 09847644

01 50-205 65.00 CH  
02 50-122 130.00 CH


along with supporting evidence, and the last known address of the nonsigning inventor.

3. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Applicant respectfully requests that the subject application be filed under 37 C.F.R. 1.47(a) and be accorded a filing date as of the Express Mail date. Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

Date: August 20, 2001

  
Peter K. Trzynka  
(Reg. No. 32,601)

P.O. Box 7131  
Chicago, IL 60680-7131

(312) 240-0824

I hereby certify that this correspondence is being filed by deposit with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on the date indicated below.

Signed:

Peter K. Trzyna (Reg. No. 32,601)

Date:

August 20, 2001

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**ASSIGNMENT OF INVENTION**

S I R :

WHEREAS, ProFlowers, Inc. (hereinafter, the "Assignee"), a corporation organized under the laws of the State of Delaware, having an address at 5005 Water Ride Vista Dr., San Diego, California, 92121, has an acknowledged right to the entire right, title, and interest therein, thereto, and thereunder, including, patent rights and any applications and patents related thereto or claiming priority therefrom;

NOW, THEREFORE, in consideration of ten dollars (\$10.00) in hand paid to me, the receipt of which by me is hereby acknowledged, and other good and valuable consideration received by me, I hereby acknowledge that I have sold, assigned, transferred, and set over, and by these

presents do hereby sell, assign, transfer, and set over, unto the Assignee, its successors, and assigns, the entire right, title and interest in, to, and under any and all inventions disclosed or described in the above-identified patent application and any and all rights thereto, including the above-identified patent application, any and all United States and foreign patents which may be granted pursuant thereto, and any and all United States and foreign applications, continuations, divisions, renewals, and substitutes thereof, as well as any reissues or reexamination patent(s); and I hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent for said invention to the Assignee its successors, and assigns, in accordance with the terms of this instrument;

AND I HEREBY covenant that I have full right to convey the entire interest assigned, and that I have not executed, and will not execute, any agreement in conflict herewith;

AND I HEREBY further covenant that I respectively will communicate to the Assignee, its successors, legal representatives, and assigns, any facts known respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the assignee, its successors, legal representatives, and assigns, to obtain and enforce proper patent protection for said invention;

THIS ASSIGNMENT of Invention is the entire agreement as to its subject matter. If any portion of this Assignment of Invention is determined to be invalid, illegal, or unenforceable under any present or future law by the final judgment of any court of competent jurisdiction, the remainder of this Assignment of Invention shall not be effected thereby. It is the intention of the undersigned that if any portion of this Assignment of Invention is determined to be invalid, a

portion as similar in terms to such portion as is possible to be legal, valid, and enforceable shall be added in lieu thereof.

IN TESTIMONY WHEREOF, I hereunto set hand and seal on the day and year set opposite my signature.

Inventor's Printed Full Name: Jared Schutz

Inventor's Signature: 

Date: 5-30-01

Citizenship: USA

Residence & Post Office Address: 200 Hawthorne Avenue

City: Boulder

State Zip: Colorado, 80302